

REMARKS

The Office Action of June 11, 2010, has been received and reviewed. The claims are to be amended as previously set forth. All amendments are made without prejudice or disclaimer. No new matter has been presented. Reconsideration is respectfully requested.

Rejections Under 35 U.S.C. § 112, First Paragraph, Written Description

Claims 1, 3, 8-10, 46, 48, and 49 stand rejected under 35 U.S.C. § 112, first paragraph, as assertedly failing to comply with the written description requirement. Specifically, it was asserted that “[t]he claims, as written, are drawn to a nucleic acid encoding specific ectodomains but do not actually limit the expression products to these designated peptides. Office Action of June 11, 2010, at page 4. Applicants have amended claims 1, 46, 48, and 49, and, partially in view of these amendment, traverse the rejections as hereinafter set forth.

Applicants note that the Examiner has indicated that claim 47 is remedial with respect to the written description rejection. Office Action of June 11, 2010 at page 9. Although the applicants do not agree that any of the claims fail to meet the written description requirement, to expedite prosecution, claims 1, 46, 48, and 49 have been amended herein to reflect the format of claim 47. Specifically, claims 1, 46, 48, and 49 have been amended to recite “A method for producing mRNA that produces a *Plasmodium falciparum* apical membrane antigen-1 (AMA-1) ectodomain or a fragment thereof when translated in a yeast cell” and, in the case of claim 1, “wherein mAb 4G2 exhibits specificity for said ectodomain or said fragment thereof when said ectodomain or said fragment thereof is produced in a yeast cell.” Claims 46, 48, and 49 have been amended in a similar fashion. Basis for the amendments to claims 1, 46, 48, and 49 may be found throughout the Specification and more specifically at least in ¶ [0009] of the Specification as filed.

Consequently, claims 1, 46, 48, and 49 have been amended such that the claimed methods of producing an mRNA now more clearly relate to the production of mRNAs that, when translated in a yeast cell, produce a *Plasmodium falciparum* apical membrane antigen-1 (AMA-1) ectodomain or a fragment thereof and that mAb 4G2 has specificity for the produced *Plasmodium falciparum* apical membrane antigen-1 (AMA-1) ectodomain or a fragment thereof.

In view of at least the foregoing, applicants request the withdrawal of the rejections of claims 1, 46, 48, and 49 under 35 U.S.C. § 112, first paragraph, for lack of written description, and reconsideration of same.

In addition, applicants submit that claims 3 and 8-10 are adequately described, *inter alia*, as they depend, directly or indirectly, from adequately described claim 1. As such, applicants request the withdrawal of the rejections of claims 3 and 8-10 under 35 U.S.C. § 112, first paragraph, for lack of written description, and reconsideration of same.

Rejections Under 35 U.S.C. § 112, First Paragraph, New Matter

Claim 47 stands rejected under 35 U.S.C. § 112, first paragraph, as assertedly introducing new matter. Specifically, the Office asserts that the recitation of “96-545” in claim 47 is new matter. Applicants have amended claim 47 to recite “97-545.” Basis for the amendment to claim 47 may be found throughout the Specification, and more particularly in at least ¶ [0012] of the Specification as filed.

In view of at least the foregoing, applicants request the withdrawal of the rejection of claim 47 under 35 U.S.C. § 112, first paragraph.

Rejections Under 35 U.S.C. § 112, Second Paragraph

Claim 27-30

Claims 27-30 stand rejected under 35 U.S.C. § 112, second paragraph, as assertedly being indefinite for the recitation of “the mRNA” wherein there is no antecedent basis in the claim. Applicants have amended claim 27 to remove the word “the” from “the mRNA,” thus no longer requiring antecedent basis for the term “mRNA.” Withdrawal of the rejection of claim 27, and the claims dependent therefrom (28-30) is requested.

Claims 1, 3, 8-10, 46, 48, and 49

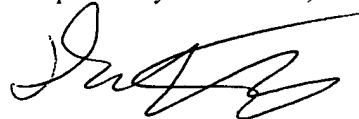
Claims 1, 3, 8-10, 46, 48, and 49 stand rejected under 35 U.S.C. § 112, second paragraph, as assertedly reciting “and” after the second active method step wherein the claim does not comprise a third active method step. Applicants have amended claims 1, 46, 48, and 49 to

remove the recitation of "and" from after the second active method step and place "and" between the first and second active method steps. Consequently, the amendments overcome the rejections. In view of foregoing, applicants request the withdrawal of the rejections of claims 1, 46, 48, and 49, and the claims which depend therefrom (3 and 8-10), under 35 U.S.C. § 112, second paragraph.

CONCLUSION

In light of the above amendments and remarks, applicants respectfully request reconsideration of the application. If questions remain after consideration of the foregoing, or if the Office should determine that there are additional issues which might be resolved by a telephone conference, the Office is kindly requested to contact applicants' attorney at the address or telephone number given herein.

Respectfully submitted,



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Date: September 3, 2010